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Jc511 U.S. PTO
09/05/2000

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August 31, 2000

WRITER'S DIRECT NUMBER:

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Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. To be assigned; Filed: August 31, 2000
For: **Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes
Gamma 34.5 Gene Expression**
Inventors: Chiocca and Chung
Our Ref: 0609.4880002/JAG/KRM

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office:

1. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
2. U.S. Utility Patent Application entitled:

**Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes
Gamma 34.5 Gene Expression**

and naming as inventors:

E. Antonio CHIOCCHA
Richard Y. CHUNG

Commissioner for Patents
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Page 2

the application consisting of:

- a. A specification containing:
 - i. 92 pages of description prior to the claims;
 - ii. 6 pages of claims (36 claims);
 - iii. a one (1) page abstract;
- b. 18 sheets of drawings: (Figures 1A-13);
- c. 1 page of a paper copy of a sequence listing; and
- d. A computer readable disk copy of the sequence listing;
3. PTO Fee Transmittal (Form PTO/SB/17);
4. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
5. Facsimile copy of an original executed combined Declaration and Power of Attorney;
6. Assignment Recordation Form Cover Sheet;
7. Facsimile copy of an original executed Assignment to The General Hospital Corporation, recordation of which is hereby respectfully requested;
8. Our check No. 28596 for \$ 1096.00 to cover:

\$ 690.00 Filing fee for patent application;
\$ 40.00 Assignment recordation fee(s);
\$ 366.00 Fee for excess claims; and
9. Two (2) return postcards.

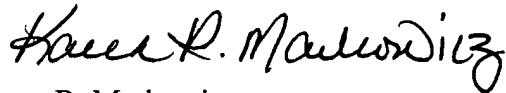
In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

Commissioner for Patents
August 31, 2000
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It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Karen R. Markowicz
Agent for Applicants
Registration No. 36,351

JAG/KRM/jk
Enclosures

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FEE TRANSMITTAL for FY 2000		Complete if Known	
<p>Patent fees are subject to annual revision. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB-09-12. See 37 C.F.R. §§ 1.27 and 1.28.</p>		Application Number	To be assigned
		Filing Date	August 31, 2000
		First Named Inventor	Chiocca and Chung
		Examiner Name	To be assigned
		Group / Art Unit	To be assigned
		Attorney Docket Number	0609.4880002/JAG/KRM
TOTAL AMOUNT OF PAYMENT		(\$) 1096.00	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)				
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:		3. ADDITIONAL FEES				
Deposit Account Number	19-0036		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)
Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.					Fee Description
		<input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17				
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other* *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.						
FEE CALCULATION						
1. BASIC FILING FEE						
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	
101	690	201	345	Utility filing fee	690.00	
106	310	206	155	Design filing fee		
107	480	207	240	Plant filing fee		
108	690	208	334	Reissue filing fee		
114	150	214	75	Provisional filing fee		
SUBTOTAL (1) (\$)		690.00				
2. EXTRA CLAIM FEES						
		Extra	Fee from below	Fee Paid		
Total Claims		36 - 20** =	16 X 18 =	288.00		
Indep. Claims		4 - 3** =	1 X 78 =	78.00		
Multiple Dependent			0 =	0.00		
** or number previously paid, if greater; For Reissues, see below						
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	
103	18	203	9	Claims in excess of 20		
102	78	202	39	Independent claims in excess of 3		
104	260	204	130	Multiple dependent claim		
108	78	209	39	**Reissue independent claims over original patent		
110	18	210	9	**Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2) (\$)		366.00				
Other fee (specify):						
Other fee (specify):						
*Reduced by Basic Filing Fee Paid						
SUBTOTAL (3) (\$)						
40.00						

SUBMITTED BY			Complete (if applicable)		
Type or Printed Name	Karen R. Markowicz			Reg. Number	36,351
Signature	Karen R. Markowicz	Date	8/31/00	Deposit Acct. User ID	19-0036

WARNING:
Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, individuals are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR § 1.53(b))</i>		Attorney Docket No. 0609.4880002
		First Inventor or Application Identifier Chiocca and Chung
		Title Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes Gamma 34.5 Gene Expression
		Express Mail Label No. 100-3108750

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Specification [Total Pages 99]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. Drawing(s) (35 U.S.C. 113) [Total Sheets 18]
4. Oath or Declaration [Total Pages 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional with Box 17 completed*)
[Note Box 5 below]
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (*useable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Microfiche Computer Program (*Appendix*)
7. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
 - a. Computer Readable Copy
 - b. Paper Copy (identical to computer copy)
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. Assignment Papers (cover sheet & document(s))
9. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)
10. English Translation Document (*if applicable*)
11. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. *Small Entity Statement(s) Statement filed in prior application, Status still proper and desired
(PTO/SB/09-12)
15. Certified Copy of Priority Document(s)
(If foreign priority is claimed)
16. Other: 37 C.F.R. § 1.136(a)(3) Authorization
 Other:

*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

Continuation Divisional Continuation-in-Part (CIP) of prior application No: _____ / _____

Prior application information: Examiner _____ Group/Art Unit: _____

18. CORRESPONDENCE ADDRESS

Customer Number
or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or Correspondence address below

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SIGNATURE		Karen R. Markowicz		Date 8/31/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC511 U.S. PRO
09/653277
08/31/00



In re application of:

Chiocca and Chung

Appl. No.: to be assigned

Filed: August 31, 2000

For: **Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes Gamma 34.5 Gene Expression**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 0609.4880002/JAG/KRM

Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3)

Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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